



NEWS RELEASE

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Attorney General Todd Rokita: Indiana at risk of losing crucial funding to fight opioid epidemic

Indiana Attorney General Todd Rokita penned the following op-ed. If you have questions or are interested in publishing this piece, please email press@atg.in.gov.

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When I took office, I vowed to continue Indiana's fight to hold accountable those responsible for turbocharging the opioid epidemic. The scourge of addiction has devastated communities in Indiana, claiming far too many lives. We owe it to Hoosier families to demand accountability and deliver the justice our communities deserve.

That's why I continue to aggressively and tirelessly prosecute cases to hold corporations accountable who put greed over Hoosiers' health. Recently, we diligently and creatively worked to achieve a national settlement with several of these companies in the amount of \$26 billion. Indiana's share could be more than half a billion dollars, if local elected leaders agree to have their communities participate by opting into the state's lawsuit. The majority of Indiana communities are participating — over 580, to be clear. However, some communities are not, putting potentially millions of dollars in resources to fight addiction at risk.

The state settlement will bring a significant amount of money directly to impacted communities in Indiana to support programs to help those struggling with addiction. We worked hand-in-hand with your elected members of the Indiana General Assembly to create a statutory structure that will efficiently distribute this funding directly to local communities, ensuring these dollars will make a substantial and meaningful impact. This funding will support local law enforcement efforts, drug task forces, regional treatment hubs, and early intervention and crisis support, among other important programs. Through the statute, legislators were able to represent the priorities of their local communities in crafting a statewide plan, meeting an important requirement to participate in the master settlement agreement.

The statutory structure was set up so that at least 50 percent of Indiana's share goes directly to local communities and in fact at least 70 percent of the total will be used for opioid abatement efforts in our local communities. I was a strong advocate for this approach because

I believe that you and the local leaders you elected know best how that money should be used. And the General Assembly can work further to be even more specific with their language in the next session to ensure further settlement funds are controlled by our local leaders.

I pledge to work with and encourage members of the General Assembly in the next session to pass future legislation that will articulate the distribution mechanism in more detail before the first payments arrive so that local officials clearly control their share of the settlement funds. In addition, I will advocate for these funds to be distributed not just by population but prioritizing the impact on communities hardest hit.

Unfortunately, local leaders in communities opting out of the state master settlement have been advised by their private opioid litigation attorneys to opt out of this once-in-a-generation deal, which guarantees much needed resources now and will deliver more in the future.

By opting out, your local elected officials voted to not participate in the state settlement with guaranteed money now but instead will continue moving forward with their own lawsuit with no guarantee of proceeds and what could be a very long multi-year wait by the time the court proceedings and appeals are finished. Among a couple of reasons, outside attorneys advised your officials to opt out in hopes of getting the state and your non-litigating neighboring communities to agree to pay a share of up to 33 percent of the settlement in attorney fees. However, a recent court order on these cases caps the attorney fees that can be paid out of the settlement at 15 percent. Many of these private lawyers, however, have entered into agreements guaranteeing a higher payout for the litigating lawyers. If these cases even make it to trial, the litigation costs and your attorney fees will surely be so high that paying them would eat up much of the funding the community is awarded or had reserved for other important projects.

Even if an opt-out community wins their own independent settlement after years of backlog and the risk these companies may file bankruptcy, they may be stuck paying lawyer fees out of taxpayer funds if unrestricted settlement funds are insufficient to cover the fees.

To be clear, opting out of the state settlement could possibly leave your community to fight against massive corporations and their lawyers for years, or even decades, with no guarantee of any payout.

The upshot is this: There is still time for these communities to opt back in. If a community opts back into the state plan, the national settlement provides a separate fund to pay these outside private attorney fees instead of your community.

We certainly can't allow attorney fee concerns to override the importance of those in need. Half a billion dollars in funds that will help save and turn lives around and make a significant impact in our efforts to stop the ravaging of our communities could be lost if the communities who've opted out of the state's opioid settlement don't quickly change their course.

The communities listed below have the ability to opt back into the state's settlement — if they do so immediately. If you care about holding greedy corporations accountable, and if you care

about helping those in need in your community and not lining lawyers' pockets, and if you want to ensure Indiana doesn't lose out on half a billion dollars to lift up those in need who are struggling with addiction, please make sure local leaders opt your community back into the state's opioid settlement fund. Time is of the essence.

Following are Indiana communities that have opted out of the statewide settlement and their deadlines for opting back in:

Evansville	8/14/2021
Fayette County	8/14/2021
Benton County	8/14/2021
Franklin County	8/14/2021
Noblesville	8/14/2021
Upland	8/14/2021
St. Joseph County	8/14/2021
Danville	8/15/2021
Jeffersonville	8/15/2021
Lake County	8/15/2021
LaPorte County	8/15/2021
Jackson County	8/15/2021
Hartford City	8/15/2021
South Bend	8/16/2021
Fishers	8/16/2021
Gary	8/16/2021
Allen County	8/17/2021
New Castle	8/20/2021
Blackford County	8/20/2021
Howard County	8/20/2021
Marshall County	8/20/2021
Brownstown	8/20/2021
Connersville	8/20/2021
Morgan County	8/20/2021
Pulaski County	8/20/2021
Zionsville	8/20/2021
Tippecanoe County	8/20/2021
Shelbyville	8/21/2021
Lawrence County	8/21/2021
Porter County	8/21/2021
Madison	8/21/2021
New Albany	8/21/2021
Pendleton	8/21/2021
Indianapolis/Marion County	8/22/2021
Fort Wayne	8/22/2021

Monroe County	8/22/2021
Austin	8/22/2021
City of Jasper	8/22/2021
Scott County	8/22/2021
New Haven	8/22/2021
Lawrence	8/23/2021
Mooreville	8/23/2021
Westfield	8/23/2021
Bloomington	8/24/2021
Atlanta	8/27/2021
Madison County	8/27/2021
Elwood	8/27/2021
Greenwood	8/27/2021
Martinsville	8/27/2021
Plainfield	8/27/2021
Sheridan	8/27/2021
Kokomo	8/28/2021
Orange County	8/28/2021
Alexandria	8/28/2021
Columbus	8/28/2021
Vigo County	8/30/2021